

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANE DOE,

Plaintiff

vs.

THE BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA and
ELIZABETH BIRNSTIHL, in her
Individual and official capacity;

Defendants.

) Case No. 4:09-cv-03186

**NOTICE OF OFFER OF
JUDGMENT AND ACCEPTANCE**

TO: Clerk of the United States District Court for the District of Nebraska

Attached hereto are an Offer of Judgment made by the Board of Regents of the University of Nebraska, on behalf of both Defendants, and the Plaintiff's Notice of Acceptance.

Dated this 3rd day of November, 2009.

BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA, et al.
Defendants.

By: s/David R. Buntain
David R. Buntain, NSBA #10506
Cline, Williams, Wright, Johnson
& Oldfather
1900 First Bank Building
233 South 13th Street
Lincoln, NE 68501
(402) 474-6900

and

John C. Wiltse, NSBA #16689
Senior Associate General Counsel
237 Varner Hall
3835 Holdrege
Lincoln, NE 68583-0745
(402) 472-1201

CERTIFICATE OF SERVICE

I, David R. Buntain, hereby certify that this 3rd day of November, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to attorney for the plaintiff, Kathleen Neary.

s/David R. Buntain

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

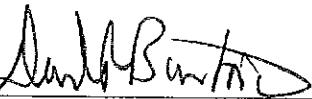
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|---|---|---|
| JANE DOE, | } | Case No. 4:09-cv-03186 |
| Plaintiff | | OFFER OF JUDGMENT Fed. R. Civ. P. 68 |
| vs. | } | |
| THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA and ELIZABETH BIRNSTIHL, in her Individual and official capacity; | | |
| Defendants. | } | |

TO: Jane Doe and her attorney, Kathleen Neary:

The Board of Regents of the University of Nebraska, on behalf of both defendants, hereby offers to allow judgment to be taken by the plaintiff against it for the sum of \$40,000, which sum is to include \$10,000 for the payment of attorneys fees and costs. This offer is made pursuant to Rule 68 of the Federal Rules of Civil Procedure, solely to compromise the claim in this dispute without admitting the validity of plaintiff's contentions or any allegations of wrongdoing by the defendants, and evidence of this offer is not admissible except at a proceeding to determine costs. If this offer is not accepted in writing delivered to the undersigned within ten days after it has been served upon you, it shall be deemed withdrawn.

Dated this 22nd day of October, 2009.

BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA, et al.
Defendants.

By: 
David R. Buntain, NSBA #10506
Cline, Williams, Wright, Johnson
& Oldfather
1900 First Bank Building

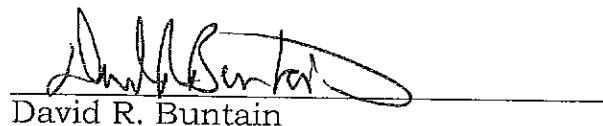
233 South 13th Street
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and

John C. Wiltse, NSBA #16689
Senior Associate General Counsel
237 Varner Hall
3835 Holdrege
Lincoln, NE 68583-0745
(402) 472-1201

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2009, I served a copy of the foregoing on the plaintiff, by mailing a copy by U.S. mail to her attorney of record, Kathleen M. Neary, 411 S. 13th Street, Suite 300, Lincoln, Nebraska 68508.



David R. Buntain

VINCENT M. POWERS & ASSOCIATES

Vincent M. Powers
Elizabeth A. Govaerts
Kathleen M. Neary
October 27, 2009

ATTORNEYS AT LAW

411 So. 13th Street, Suite 300
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(402) 474-8000
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VIA FACSIMILE (402) 472-2038

John Wiltse, Esq.
Senior Associate General Counsel
237 Varner Hall
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Lincoln, NE 68583-0745

RE: Doe v. The Board of Regents, et. al.
4:09 CV 03186

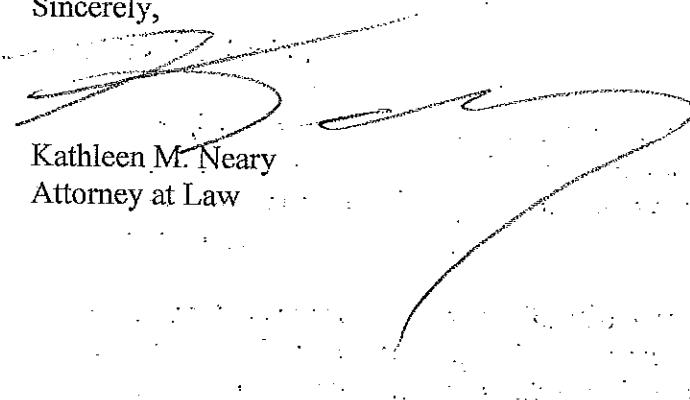
Dear David and John:

Please consider this correspondence as the Plaintiff's acceptance of the Defendants' October 22, 2009 Rule 68 Offer of Judgment in the total monetary amount of \$40,000.00. The Plaintiff's acceptance of the Offer of Judgment is being made within the time allowed by statute.

By accepting this Offer of Judgment, Plaintiff agrees to be bound only by the terms and conditions set forth in the Offer of Judgment as attached hereto. Plaintiff does not agree to be bound by any other term or condition of judgment or settlement not specifically contained therein.

Thank you in advance for your attention to this matter. Please contact me with questions or concerns.

Sincerely,


Kathleen M. Neary
Attorney at Law